UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

FROM : A. H. Belmont

DATE: 5/6/64

cc Mr. Belmont
Mr. Rosen
Mr. Malley
Mr. Sullivan
Mr. Deloach

SUBJECT: THE PRESIDENT'S COMMISSION

I appeared before the Presidential Commission at approximately 9:15 a.m., 5/6/64, and testified until about 12:35 p.m. Inspector Malley of the Bureau was present. The members of the Commission were Chief Justice Warren; McCloy; Dulles; and Ford (although Ford was present only part of the time); General Counsel Rankin; and members of the staff Samuel Stern (who conducted the questioning) and Norman Redlich; also present was Charles Murray, former Assistant AG of the Criminal Division of the Department.

The questioning followed the format of my memoranda of 5/5/64, although members of the commission tended to insert questions which interrupted the continuity of the questioning, as devised by Mr. Stern.

There were introduced, through me, the Director's letters to the Commission of 4/6/64 (answers to 30 questions); 5/4/64 (brief listing of serials in Oswald file); 2/6 and 12/64 (transmitting the Director's affidavit and affidavits of agents denying that Oswald was an informant); a letter from the commission to the Bureau pointing out that Henry Wade had not formally testified before the commission and was only reporting a rumor he had heard that Oswald was an informant; and letter to the commission of 3/31/64 (outlining our liaison with Secret Service and our criteria for dissemination before and after the assassination).

Mr. Stern questioned me orally as to certain portions of these letters, and the commission members asked questions to expand in some instances on our replies.

Following the introduction of the 3/31/64 letter, on dissemination and liaison with Secret Service, Mr. Stern asked if this change in dissemination had posed any problem for us or for Secret Service. I told him that I could not speak for Secret Service; however, as far as we were concerned, it did raise a question which caused us to be somewhat uneasy. I then discussed rather fully the Bureau's approach

AHB:CSH (6)

62-109090-

NOT RECORDED
199 MAY 22 1964

6 MAY 21 1964

56 JUN 1 1964

PERS. REC. UNIT

ORIGINAL FILED IN 62-109090-3191

Section 11

Mr. Tolson

to security work, and the need to handle security information very carefully; and the efforts of the FBI to carry out its responsibilities in the security field within the law, in order to protect our internal security, yet strengthen, rather than weaken our free society. I mentioned the incident of the police restraining certain individuals when the President visited a city, and the protests that we could see forthcoming. I pointed out that when information is furnished to Secret Service dealing a possible threat to the President, Secret Service or the police can take action without fear of a legitimate complaint; however, when you take action on information other than a threat to the President you run into the probability of complaints that unjustified action is being taken against the individual. I pointed out that it is a simple matter to increase security, but in so doing inevitably the rights of the individual are affected and diminished.

I had the strong impression that this provided the commission with food for thought, and as a matter of fact there seemed to be a feeling that perhaps our revised criteria were too broad, although this was not specifically expressed. I made it clear that we voluntarily, without request, broadened our criteria, in an effort to be helpful, and that it is of course necessary to use good judgment in taking action relative to such material.

Toward the close of the session, McCloy asked whether, in the face of Oswald being a defector, engaged in Fair Play for Cuba activities, and lying to Agent Quigley during the interview in the jail at New Orleans, should Agent Fosty have furnished this information to Secret Service in Dallas? I told him that I had reviewed this matter quite carefully, and my answer was no. I pointed out that in July, 1961, when Oswald was interviewed in the Embassy at Moscow, a State Department official had observed that he had learned his lesson the hard way, through 20 months of life in the Soviet Union; that Oswald had no love for the Soviet Union, and that Oswald saw the advantages of the American way of life; that we had interviewed Oswald twice after his return, and he had told us he had no love for the Soviet Union, and we had closed the case as we had accomplished the purpose of our investigation. He reopened the case on the basis that he had been in contact with The Worker, and the Fair Play for Cuba Committee, although these were insignificant items by themselves, and subsequently he had been active in New Orleans (although he was creating the Fair Play for Cuba activity himself, rather than as part of an organization), that our informants in New Orleans who were

Mr. Tolson

acquainted with Cuban activities did not know him; that the fact that he had lied to Agent Quigley had no bearing whatsoever on whether he was violent or had a potential for violence; that his contacts with the Soviet embassies were indicated for the purpose of getting his visa, and he had told us that he was going to take his wife back to Russia on some occasion; that he had come back to Dallas, and Agent Hosty had learned that he was working and was going to take his wife and baby into an apartment as soon as he had the money and the baby was old enough.

I repeated that, on this basis, there was no reason for Hosty to have advised Secret Service; that Hosty and the Dallas office were alert to furnish information to Secret Service, and Hosty himself had done so in another matter.

Mr. Dulles referred to a book by Buchanan on the assassination, which book is just coming out from England. He wanted to know if we would review it and give our comments to the commission. I pointed out that this apparently was a composite of Buchanan's articles in the French press, which we had already sent to the commission, and which contained allegations that the commission had already looked into; that Buchanan's allegations were false, were based on misinformation, incorrect conclusions; that we would, however, review it and make a brief observation to the commission if that would be helpful.

The commission members indicated they were aware of Buchanan's background and that we had furnished them information. I then mentioned to Chief Justice Warren that I understood Buchanan had been over to see the commission, and he said this was so; that they had talked to him informally, as someone coming in off the street.

Chief Justice Warren then referred to a copy of the National Inquirer, which he had before him, portions of which he desired to read and then ask me questions. The article was by Henshaw and painted a picture of a plot whereby the Justice Department had sent a letter to the Dallas PD, following the General Walker incident, requesting the Dallas police not to arrest Ruby and Oswald, who were part of the conspiracy to kill Walker; and that the FBI and CIA were involved in this closely held secret. Mr. Rankin spoke up and said that this article had been sent over to the FBI by letter, with a request for investigation and comment. The Chief Justice said, nevertheless, he would like to ask me a question, and he asked me if I had any knowledge of this. I told him I considered it utterly fantastic nonsense, but we would examine it and appropriately answer the Commission's request.

Mr. Tolson

It is noted that during the introduction of the Director's letter of 5/4/64, briefly setting forth the items in Oswald's file, I was asked whether I had the file with me, and I said I did. A discussion then ensued by Rankin, McCloy and the Chief Justice, as to the need for the record to show that the commission had seen the actual file, so that it would not appear that the FBI had held out anything from the commission.

The Chief Justice wanted to know whether there was anything classified in the file and I told him there was, namely the identities of some of our informants and information on some of the techniques we used to gather information which we have turned over to the commission. The Chief Justice took a strong stand that he did not want the file in the possession of the commission, but any members of the commission who wanted to look at it could do so. I told him the file was available and the commission could look at it. It was decided, inasmuch as the commission already has a great deal of the actual information in the file, including the reports, that the commission staff would determine what information they already had and then a decision could be made as to examining the other material. I told him this was agreeable with us; that the file was available to the commission.

At the conclusion of the testimony the Chief Justice and other members of the commission expressed their appreciation. I told them that if there were any further developments I was completely available to the commission.

I asked Mr. Stern if a copy of the transcript of the testimony would be available to me so that we could follow up any requests the commission had made, and he said the transcript would probably be available tomorrow.